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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GARY LABARBERA, et al.,

NOV 05 2003
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X LONG ISLAND OFFICE

Plaintiff(s),

-against-

R. ROSE TRUCKING INC.,

Defendant(s).

**INITIAL CONFERENCE
ORDER**

CV 03-2893 (DRH) (WDW)

X

WALL, Magistrate Judge:

The above-captioned case has been referred to United States Magistrate Judge William D. Wall for purposes of scheduling discovery, resolution of discovery disputes, settlement conferences and any other purposes set forth at 28 U.S.C. §636 (b)(1)(A).

An initial scheduling conference will be held before Judge Wall at 10:30 a.m. on December 17, 2003, in Courtroom 820, United States Federal Courthouse, Central Islip, New York. All counsel and/or pro se parties must be present. Prior to the initial conference, counsel and any pro se parties are expected to read the following and to be familiar with the Federal Rules of Civil Procedure concerning discovery - *see generally*, Fed. R. Civ. P. 16 & 26-37, and the Individual Rules of the undersigned. Counsel should be aware that the Federal Rules were amended effective December 1, 2000, and they should not rely on their understanding of the previous rules.

Prior to this conference, the parties, with limited exceptions, must hold a planning conference, must provide automatic disclosure, and must file a proposed discovery plan. Failure to comply with these requirements may result in the imposition of sanctions.

1. Hold a Discovery Planning Conference Pursuant to Fed. R. Civ. P. Rule 26 (f)

Rule 26 (f) requires parties in proceedings other than those exempted by Rule 26 (a)(1)(E) to confer. This planning conference should occur as soon as practicable, but no later than 21 days before a scheduling conference is held or a scheduling order is due under Rule 16(b) of the Federal Rules of Civil Procedure. Parties must consult the Rule for more details.

2. Provide Automatic Disclosure Pursuant to Fed. R. Civ. P. Rule 26(a)(1)

The parties are required to comply with the automatic disclosure rules set forth at Rule 26 unless this case is a proceeding that is exempted from automatic disclosure by Fed. R. Civ. P. 26 (a)(1)(E), or the parties stipulate or the court orders otherwise. The parties are directed to

provide the required information within 14 days after their Fed. R. Civ. P. 26(f) planning conference, unless a different time is set by stipulation or court order, or an objection is stated in the Rule 26 (f) discovery plan. Parties should consult the Rule for more details.

3. File a Joint Proposed Discovery Plan

One purpose of the Rule 26 planning conference is the development of a joint proposed discovery plan that indicates the factors set forth in Rule 26 (f)(1)-(4). Within 14 days after the conference, counsel and any pro se parties must submit a written report that outlines the plan. In the event that the parties fail to prepare a joint proposed discovery order, the parties will be deemed to have waived their right to participate in the scheduling of discovery and will be bound by the order entered by the Court *sua sponte*.

The proposed order should reflect the general rule that discovery is to be completed within six to nine months of the date of the initial conference, and should include any agreements the parties have reached regarding discovery (see, e.g., the factors set forth in Rule 26(f) (1)-(4)) and the following:

1. Fact discovery completion date, that is, the last day to serve discovery responses.
2. Dates for identification of proposed experts and rebuttal experts and for disclosure of Rule 26 expert reports.
3. Deadline for motions to amend pleadings, including joinder of additional parties.
4. Date for submission of pretrial order, and a trial-ready date.

Status and pretrial conference dates will be set by the Court.

Dated: Central Islip, New York
November 5, 2003

SO ORDERED:

WILLIAM D. WALL
United States Magistrate Judge